



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,646	09/27/2000	Larry A. Brocius	EN999-069	7162

30743 7590 11/16/2004

WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

EXAMINER

LERNER, MARTIN

ART UNIT PAPER NUMBER

2654

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,646

Applicant(s)

BROCIOUS ET AL.

Examiner

Martin Lerner

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 11 to 13 is/are rejected.
- 7) ☒ Claim(s) 3 to 10 and 14 to 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 11, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by *Logan et al.*

Regarding independent claim 1, *Logan et al.* discloses a system for controlling an audio player with voice commands, comprising:

“a context-based audio queue ordered based on contents of a page being audibly read by the multi-modal browser to a user” – information available in text form from news sources, libraries, etc. may be converted to compressed audio format by conventional speech synthesis; host server 101 stores web page data 141 which is made available to player 103 by means of the HTML interface 128 (“contents of a page being audibly read by the multi-modal browser to the user”) (column 5, lines 16 to 45: Figure 1); each voice or text program segment preferably includes a sequencing file which contains the identification of highlighted passages and hypertext anchors within the program content (column 5, lines 6 to 15: Figure 5); a selections file 351 is a stack mechanism (“context-based audio queue”) containing ProgramID numbers of a program segment for hyperlinked material (column 30, lines 20 to 66: Figure 5);

Art Unit: 2654

“a store for storing a current context of the audio queue” – a CurrentPlay register (“current context”) holds the record number of the particular Selection_Record for any given moment (column 33, lines 29 to 50; column 30, lines 20 to 66: Figure 5);

“a speech recognition engine for recognizing and registering voice commands, wherein said speech recognition engine compares a current audio context with the context associated with a voice command and causes the browser to perform an action based on the comparison” – microphone input device 111 accepts voice commands from a user; player mechanism 103 includes a microphone for accepting voice commands (“a speech recognition engine for recognizing and registering voice commands”) (column 3, lines 32 to 37; column 12, lines 50 to 58); “registering” voice commands refers to performing the command after the words spoken are recognized; if the user issues a “Go” command, the player will execute a hyperlink jump to the location indicated by the last record “L” in the selection file 351 (“causes the browser to perform an action based on the comparison”); whenever the listener issues a “Return” command, the previously pushed selection file record location is popped from the stack 390 and returned to the CurrentPlay register 353 (column 35, lines 1 to 15: Figure 5); thus, a voice command is performed to listen to a record associated with a hyperlink based on a record in CurrentPlay register 353 or a Selection_Record in a stack of selections file 351 (“compare current audio context with the context associated with a voice command”).

Regarding independent claim 12, *Logan et al.* discloses a computer implemented method for controlling an audio player with voice commands, comprising:

“building a context-based audio queue based on the contents of markup language page being audibly read by the multi-modal browser to a user” – information available in text form from news sources, libraries, etc. may be converted to compressed audio format by conventional speech synthesis; host server 101 stores web page data 141 which is made available to player 103 by means of the HTML interface 128 (“contents of markup language page being audibly read by the multi-modal browser to the user”) (column 5, lines 16 to 45: Figure 1); each voice or text program segment preferably includes a sequencing file which contains the identification of highlighted passages and hypertext anchors within the program content (column 5, lines 6 to 15: Figure 5); a selections file 351 (“context-based audio queue”) is a stack mechanism containing ProgramID numbers of a program segment for hyperlinked material (column 30, lines 20 to 66: Figure 5);

“storing a current context of the audio queue” – a CurrentPlay register (“current context”) holds the record number of the particular Selection_Record for any given moment (column 33, lines 29 to 50: Figure 5);

“recognizing and registering voice commands, wherein the current audio context is compared with a voice command, thereby causing the multi-modal browser to perform an action based on the comparison” – microphone input device 111 accepts voice commands from a user; player mechanism 103 includes a microphone for accepting voice commands (“recognizing and registering voice commands”) (column 3,

Art Unit: 2654

lines 32 to 37; column 12, lines 50 to 58); “registering” voice commands refers to performing the command after the words spoken are recognized; if the user issues a “Go” command, the player will execute a hyperlink jump to the location indicated by the last record “L” in the selection file; whenever the listener issues a “Return” command, the previously pushed selection file record location is popped from the stack 390 and returned to the CurrentPlay register 353 (“thereby causing the multi-modal browser to perform an action”) (column 35, lines 1 to 15: Figure 5); thus, a voice command is performed to listen to a record associated with a hyperlink based on a record in CurrentPlay register 353 or a Selection_Record in a stack of selections file 351 (“wherein the current audio context is compared with a voice command”).

Regarding claims 2 and 13, *Logan et al.* discloses the Program_Segments record URL field specifies the location file containing the program segment in the file storage facility 304 (column 17, line 62 to column 18, line 16: Figure 4); thus, the user listens to audio segments as stored resources based on URLs.

Regarding claim 11, *Logan et al.* discloses the host server stores web page data 141 by means of an HTML interface (column 5, lines 32 to 35: Figure 1); HTML web server 129 presents HTML program selection forms (column 8, lines 48 to 60); narrative text is presented in the interactive, multimedia format expressed in the first instance using essentially conventional hypertext markup language (column 43, lines 15 to 60: Figure 7).

Allowable Subject Matter

3. Claims 3 to 10 and 14 to 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicants' arguments filed 23 August 2004 have been fully considered but they are not persuasive.

Firstly, Applicants argue that *Logan et al.* does not address context-based commands in the manner disclosed by the Specification. Applicants state the claimed invention provides a sense of audio context, whereby the context of a page changes as the audio presentation of the page progresses. Applicants say the claimed invention adds the ability to alter the action based on the current audio context by adding a CONTEXT option to the META_VERBALCMD statements, or to specify CONTEXT=Optional.

However, *Logan et al.* provides an equivalent context-based audio queue. Applicants are unwarrantedly reading limitations from the Specification into the claims. The terms "context-based audio queue", "a current context of the audio queue", and "the context associated with a voice command" should be read to include only those limitations that are expressly stated by the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Art Unit: 2654

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Here, *Logan et al.* discloses a sequencing file which contains the identification of highlighted passages and hypertext anchors within the program content of a web page. (Column 5, Lines 6 to 15: Figure 5) A selections file 351 is a stack mechanism containing ProgramID numbers of a program segment for hyperlinked material. (Column 30, Lines 20 to 66: Figure 5) Thus, the context in which a command "Go", "Back", or "Return" is interpreted depends upon what hyperlinks are present in a stack mechanism of a selections file at any particular moment. Equivalently, Applicants say, "The context of a page changes as the audio presentation of the page progresses." (Remarks, Page 7) Applicants' invention as claimed should not be accorded limitations found only in the Specification with respect to a CONTEXT option added as an extension to HyperText Markup Language.

Secondly, Applicants argue that *Logan et al.* does not disclose registering commands.

However, the term registering should be accorded a broadest reasonable interpretation. During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969) Here, Applicants wish the term "registering", within the phrase

Art Unit: 2654

"recognizing and registering", to connote adding and defining new audio commands for a browser. Yet any ordinary meaning of "registering" does not necessarily include a sense of adding a new command to a repertoire. *Merriam-Webster's Online Dictionary, 10th Edition*, defines "registering" in several ways, including "perceiving" and "comprehending", as well as "to make an official entry" or "to enroll or record".

"Enrolling" may have the sense of adding something new, but "registering" also connotes "perceiving" and "comprehending", which just imply that a command is understood. Thus, the phrase "recognizing and registering" may be read broadly to say that a command is (a) recognized as specific command words, and (b) registered as corresponding to taking a specific action with respect to the recognized command words. Still, "registering" need not be interpreted as requiring a feature for adding a new command to a repertoire.

Thirdly, Applicants cite numerous passages verbatim from *Logan et al.* Applicants aver that these passages do not expressly recite the particulars of "a context-based audio queue" and "a multimodal browser".

However, it is respectfully maintained that Applicants' verbatim reproduction of passages cited from the rejection reads in a vacuum the disclosure of *Logan et al.*

The prior art clearly discloses a multimodal browser. *Logan et al.* expressly describes an HTML interface, which is certainly equivalent to a browser, as anyone skilled in the art would know. The HTML interface of *Logan et al.* is multimodal because it permits interaction from a user by both speech and keyboard entries, and provides multimedia capabilities.

Art Unit: 2654

Fourthly, Applicants traverse the rejection of claims 2 and 13, saying *Logan et al.* does not disclose accessing a different Uniform Resource Locator (URL) and rendering a page specified by the URL.

However, *Logan et al.* clearly discloses Uniform Resource Locators (URLs) having fields for specifying the location of a file containing a desired program segment. (Column 17, Line 62 to Column 18, Line 16) Thus, *Logan et al.* anticipates these claims.

Fifthly, Applicants traverse the rejection of claim 11, saying *Logan et al.* does not disclose a page being audibly read is a markup language page.

However, *Logan et al.* clearly discloses audibly reading program segments from web pages written in HTML. The term "HTML" is an abbreviation for HyperText Markup Language. HyperText Markup Language (HTML) is a markup language, as required by claim 11. Thus, *Logan et al.* anticipates the claim.

Therefore, the rejection of claims 1, 2, 11, 12, and 13 under 35 U.S.C. 102(b) as being anticipated by *Logan et al.* is proper.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2654

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (703) 308-9064. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'me'.A handwritten signature in black ink, appearing to be 'RICHMOND DORVILLE', with a stamp below it that reads 'RICHMOND DORVILLE' and 'SUPERVISORY PATENT EXAMINER'.

ML
11/5/04